

Amend CCR Sections 3800.1, 3800.2, 3802, 3803, 3804, 3806, 3808, 3810, 3811, 3815, 3816, 3820, 3821, 3821.1, 3822, 3823, 3823.1, 3824, 3825, 3826, 3826.1, and 3830 to read:

§ 3800.1. Acala and Pima Quality Standards. (Repealed)

~~The varieties that embody the District Acala and Pima quality standard as defined in Section 52891(a) of the Food and Agricultural Code are, respectively, Acala Summit and Pima S-7.~~

Note: Authority cited: Sections 407, 52891 and 52901, Food and Agricultural Code. Reference: Sections 52891 and 52936, Food and Agricultural Code.

§ 3800.2. Referendum. (Repealed)

~~Pursuant to Section 52936 of the Food and Agricultural Code, the Board may hold a referendum vote whenever the Board proposes that a variety other than Acala Summit or Pima S-7 embodies the Acala or Pima quality standard, but is not so required.~~

Note: Authority cited: Sections 407, 52891, 52901 and 52936, Food and Agricultural Code. Reference: Sections 52891 and 52936, Food and Agricultural Code.

§ 3802. Performance Testing of Nonapproved Cottons Developed Outside the San Joaquin Valley Quality Cotton District. (Repealed)

~~A person desiring to evaluate a nonapproved cotton variety or strain that was not developed or evaluated in a breeding and testing program within the District, as provided under Sections 3810 and 3811, shall submit a request to the Board for performance testing pursuant to Section 52902 of the Food and Agricultural Code.~~

Note: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Section 52901, Food and Agricultural Code.

§ 3803. Exemption. (Repealed)

~~(a) Acreage limitations imposed by these district regulations do not apply as restrictions to the Board or the director.~~

~~(b) The director may waive the limitations of Sections 3815(a) and 3816(a) upon finding of need or upon recommendation of the Board.~~

~~(c) The director, upon recommendation of the Board, may allow an applicant additional limited acreage for seed increase.~~

Note: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Section 52901, Food and Agricultural Code.

§ 3804. Seed Distribution. (Repealed)

~~By June 1 of each year, seed companies, delinters, gins, and other entities distributing seed of California Upland and California Pima cotton directly to growers in the District shall notify the department of the names, addresses, and telephone numbers of each entity to which they have distributed seed, and the volume of each variety distributed to such entity.~~

Note: Authority cited: Sections 407, 52901 and 52981, Food and Agricultural Code.

Reference: Sections 52901 and 52981, Food and Agricultural Code.

§ 3806. Ginning. (Repealed)

~~Ginning of California Upland and California Pima cotton shall be regulated by Sections 3823 and 3824.~~

Note: Authority cited: Sections 407, 52901 and 52981, Food and Agricultural Code.

Reference: Sections 52901 and 52981, Food and Agricultural Code.

§ 3808. Marketing. (Repealed)

~~The marketer shall maintain the identity of California Upland and California Pima cotton. Records shall be made available by the marketer to the department, upon request, to indicate bale numbers of such cotton sold. Records shall be maintained for one year after the end of each cotton production season and the initial delivery of the cotton bales produced during that season.~~

Note: Authority cited: Sections 407, 52901 and 52981, Food and Agricultural Code.

Reference: Sections 52901 and 52981, Food and Agricultural Code.

§ 3810. Nonapproved Cotton Breeding Programs. (Repealed)

~~(a) Location. Each applicant conducting a breeding program with nonapproved cotton within the District shall be restricted to planting the introductions of germ plasm or genetic material, at no more than five (5) locations, totaling no more than one hundred (100) acres. Each planting shall be at least one-half (1/2) mile removed from any Acala or Pima planting cottonseed production area.~~

~~(b) Application. Application for permission to conduct a breeding program shall be made annually in writing to the director on or before January 15 of each year to provide for Board review and comment as required by section 3820, article 5. A plot map detailing the specific location(s) including Township, Range, section, and acreage of said proposed breeding plot(s) shall be filed with the director by February 15 of each year, so that the director may determine that the proposed location(s) does not fall within the isolation area designated in section 3810(a).~~

Note: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Section 52901, Food and Agricultural Code.

§ 3811. Nonapproved Cotton Performance Testing. (Repealed)

~~(a) Location. Nonapproved cotton, for which initial crosses or evaluation have been made in a breeding program within the District, may be performance tested by an~~

applicant at no more than eight (8) locations for a total of not more than two hundred (200) acres. Each planting shall be at least one-half (1/2) mile removed from any Acala or Pima planting cottonseed production area. Any approved cotton acreage within the test locations shall be included when computing the two hundred (200) acre limit.

(b) Application. Applications for permission to conduct nonapproved cotton performance testing shall be in writing to the director annually on or before January 15 of each year to provide for Board review and comment as required by Section 3820, Article 5. A plot map detailing the specific location(s) including Township, Range, Section, and acreage of the proposed planting(s) shall be received by the department on or before February 15 of each year so that the director may determine that the proposed location(s) does not fall within the isolation area designated in Section 3811(a).

Note: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Section 52901, Food and Agricultural Code.

§ 3815. Public Agency Nonapproved Cotton Agronomic Research. (Repealed)

(a) Location. Public agencies, including the U.S. Department of Agriculture and the University of California, may conduct nonapproved cotton agronomic research at a maximum of twelve (12) locations for a total not to exceed two hundred forty (240) acres. Each planting shall be at least one-half (1/2) mile removed from any Acala or Pima planting cottonseed production area. Any approved cotton acreage within the test locations shall be included when computing the two hundred forty (240) acre limit.

(b) Application. Applications for permission to conduct nonapproved cotton agronomic research shall be made in writing to the director annually, on or before January 15 of each year, to provide for Board review and comment as required by Section 3820, Article 5. A plot map detailing the specific location(s) including Township, Range, Section, and acreage of the proposed planting(s) shall be received by the department on or before February 15 each year, so that the director may determine that the proposed location(s) does not fall within the isolation area designated in Section 3815(a).

Note: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Section 52901, Food and Agricultural Code.

§ 3816. Private Agronomic Research on Nonapproved Cotton. (Repealed)

(a) Locations. Any person primarily engaged in agronomic research, and not an applicant under Article 3, shall have the director's permission to conduct nonapproved cotton agronomic research within the District. The maximum acreage allowed for such testing shall not exceed ten (10) acres. Any approved cotton acreage within the test locations shall be included when computing the ten (10) acre limit. Each planting shall be at least one-half (1/2) mile removed from any Acala or Pima planting cottonseed production area.

(b) Application. Applications for permission to conduct nonapproved cotton agronomic research shall be made annually in writing to the director on or before January 15 of each year, to provide for Board review and comment, as required by Section 3820, Article 5. A plot map detailing the specific location(s) including Township, Range,

~~Section, and acreage of the proposed planting(s) shall be received by the department on or before February 15 of each year so that the director may determine that the proposed location(s) does not fall within the isolation area designated in Section 3816(a).~~

Note: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Section 52901, Food and Agricultural Code.



§ 3820. Board Review and Comment. (Repealed)

~~The director, upon receipt of the annual application, will forward such application to the Board for review and comment.~~

~~The Board may require the applicant to appear in person to present his or her nonapproved cotton testing program.~~

~~The director, after Board review and comment, may approve the nonapproved cotton testing program proposed by the applicant.~~

Note: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Sections 52891 and 52901, Food and Agricultural Code.

§ 3821. Cottonseed Arriving from Outside the District. (Repealed)

~~(a) All planting cottonseed arriving from outside the District for planting within the district shall:~~

~~(1) Be free of angular leafspot, *Xanthomonas malvacearum*; (2) conform to the requirements of the Federal Pink Bollworm Quarantine (7 C.F.R. 301.52); (3) conform to those sections applicable to cotton in Division 4 of this Title 3.~~

~~(b) All planting cottonseed upon arrival within the District shall be inspected for freedom from angular leafspot by the department or by a department approved laboratory. The applicant shall be liable for all costs involved in such inspection.~~

~~Sampling to determine freedom from angular leafspot, *X. malvacearum*, shall be as follows:~~

~~(1) A representative sample of twelve hundred (1200) seeds shall be taken by the department from each lot of planting cottonseed originating outside the District and submitted to the Analysis and Identification Unit, Division of Plant Industry, Department of Food and Agriculture for testing for angular leafspot.~~

~~(2) Seed lots consisting of less than twelve hundred (1200) seeds may be field inspected, after planting, for angular leafspot by the department.~~

~~(c) All lots of planting cottonseed found to be infected with angular leafspot shall be disposed of by discing of the infected fields, if in the field, and destruction of the infected seed lot, under the supervision of the director.~~

~~(d) The importation of planting cottonseed from outside the District for planting purposes shall be suspended upon discovery of any new pest suspected or determined by the director to be of serious economic importance to agriculture. Suspension shall continue until adequate precautions, eradication, or intensive control measures have been applied which assure that such nonapproved planting cottonseed is in compliance with all of the department's pest prevention requirements.~~

Note: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Section 52901, Food and Agricultural Code.

~~§ 3821.1. Hold Used Cotton Machinery for Inspection in San Joaquin Valley Quality Cotton District. (Repealed)~~

~~(a) The Secretary hereby finds that cottonseed and seed cotton from “nonapproved cotton” as defined in section 3800, may be introduced into the San Joaquin Valley Quality Cotton District as defined in Section 52865, Food and Agricultural Code, in, on or associated with cotton machinery, equipment and appliances; and further that such cottonseed or seed cotton if disseminated in the fields of said District or mixed with approved cotton varieties would jeopardize the purposes of said District as set forth in Sections 52851 through 52854, Food and Agricultural Code.~~

~~(b) No person shall bring into the San Joaquin Valley Quality Cotton District any cotton machinery, parts of machinery, equipment or appliances which have been used or field tested outside of said District, without immediately notifying the County Agricultural Commissioner of the arrival thereof, and holding such articles for inspection before use.~~

~~(c) The County Agricultural Commissioner may upon such inspection require that any cottonseed or seed cotton on, in or associated with such articles be removed and destroyed under supervision at the expense of the owner or bailee, in order to avoid the possibility of introduction of seeds of nonapproved cotton varieties into the San Joaquin Valley Quality Cotton District.~~

Note: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Sections 52851-52855, 52901, and 52971-52976, Food and Agricultural Code.

~~§ 3822. Planting and Harvesting Notification. (Repealed)~~

~~(a) The director shall be notified at least 48 hours prior to planting or harvesting of any authorized nonapproved cotton.~~

~~(b) After planting or harvest, planters, pickers, and other related field equipment shall be cleaned to the satisfaction of the director to assure against contamination of approved planting seed cotton.~~

Note: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Section 52901, Food and Agricultural Code.

~~§ 3823. Nonapproved White Cotton Ginning, Including California Upland and California Pima Cotton. (Repealed)~~

~~(a) The department shall be notified at least 48 hours prior to the ginning of any nonapproved cotton.~~

~~(b) All nonapproved white cotton shall be ginned under the supervision of the department to assure proper identification and gin cleanup to prevent contamination of approved cotton lint. Ginning shall be done in a manner that prevents the mixing of~~

~~nonapproved and approved cotton lint. Nonapproved Pima seed cotton shall only be roller ginned and nonapproved Upland seed cotton shall only be saw ginned.~~

Note: Authority cited: Sections 407, 52901 and 52981, Food and Agricultural Code.
Reference: Sections 52901 and 52981, Food and Agricultural Code.

§ 3823.1. Nonapproved Colored Cotton Ginning. (Repealed)

Note: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Section 52901, Food and Agricultural Code.

§ 3824. Nonapproved Cotton Lint Storage and Identification, Including California Upland, California Pima, and California Naturally Colored Cotton. (Repealed)

~~(a) Cotton lint ginned within the District and not from an approved cotton shall be identified as “SJV EXPERIMENTAL”, “CALIFORNIA UPLAND”, “CALIFORNIA PIMA”, or “CALIFORNIA NATURALLY COLORED” cotton at all times.~~

~~(b) Identification tags and decals shall be affixed to bales under the supervision of the department. Identification shall not be removed without permission of the department.~~

Note: Authority cited: Sections 407, 52901 and 52981, Food and Agricultural Code.
Reference: Sections 52901 and 52981, Food and Agricultural Code.

§ 3825. Nonapproved Cottonseed Disposal. (Repealed)

~~Nonapproved cottonseed shall be disposed of under the supervision of the director. Nonapproved cottonseed saved for use by the applicant shall be identified and safeguarded against being commingled with any approved planting cottonseed.~~

Note: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Section 52901, Food and Agricultural Code.

~~§ 3826. Nonapproved White Cottonseed Delinting, Including California Upland and California Pima Cotton. (Repealed)~~

~~The department shall be notified by the delinter at least 48 hours prior to the delinting of any nonapproved white cottonseed. All delinting shall be done in a manner that assures the Secretary that proper identification of nonapproved cottonseed, equipment cleanup, and separation from approved planting cottonseed has been maintained.~~

Note: Authority cited: Sections 407, 52901 and 52981, Food and Agricultural Code.
Reference: Sections 52901 and 52981, Food and Agricultural Code.

§ 3826.1. Nonapproved Colored Cottonseed Delinting. [Renumbered](Repealed)

Note: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Section 52901, Food and Agricultural Code.

§ 3830. Refusal of Applications. (Repealed)

~~The director shall refuse an application or revoke an authorization granted under these regulations, if:~~

~~(a) The proposed location does not meet the isolation requirements under Sections 3810(a), 3811(a), and 3815(a) or 3816(a);~~

~~(b) The applicant or his cooperators fail to comply with the regulations pertaining to this subchapter, or state or federal quarantines applicable to cotton.~~

~~(c) After review and comment by the Board, the program proposed is determined not to be in the best interests of the cotton industry in the District.~~

Note: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Section 52901, Food and Agricultural Code.